

VZCZCXYZ0013
PP RUEHWEB

DE RUEHBO #0696 0252347
ZNY CCCCC ZZH
P 252347Z JAN 06
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 1617
INFO RUEKJCS/SECDEF WASHDC
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC
RUMIAAA/USCINCSO MIAMI FL
RUEAWJA/DEPT OF JUSTICE WASHDC

C O N F I D E N T I A L BOGOTA 000696

SIPDIS

SIPDIS

SOUTHCOM FOR POLAD

E.O. 12958: DECL: 01/25/2016
TAGS: [PGOV](#) [KJUS](#) [PTER](#) [CO](#)
SUBJECT: MEETING WITH PRESIDENTIAL CANDIDATE CARLOS GAVIRIA
REF: 05 BOGOTA 2217

Classified By: Ambassador William B. Wood, Reasons: 1.4 B & D.

¶1. (C) Summary: In a meeting with poloffs on January 18, Senator and Presidential aspirant Carlos Gaviria discussed the Justice and Peace law, the ELN peace process, and upcoming elections. A former president of the Constitutional Court, Gaviria predicted that the Court would declare the Justice and Peace law unconstitutional. Gaviria stated he was able to campaign freely around the country and did not feel directly threatened by illegal armed groups. Gaviria expected Senator Antonio Navarro to defeat him in the Alternative Democratic Pole (PDA) presidential primary on March 12. While conceding the Presidential contest was a lost cause for the PDA, Gaviria said the party had the potential to be the second largest force in the upcoming Congress. End Summary.

¶2. (C) Poloffs met on January 18 with Senator Carlos Gaviria Diaz, who is running for the leftist PDA's presidential nomination, and is a major figure in the Colombian legal community. Regarding the Justice and Peace law, Gaviria continued to state, as he has done for over a year, that the law touches on fundamental rights of citizens and therefore should have been debated/voted as a statutory law. (Note: The GOC opted to treat the law as ordinary, vice statutory, which implied easier required voting margins, namely majority of quorum vice majority of members. End note.) For this reason, he predicted the Constitutional Court (where he sat for eight years in the 1990s) would strike down the law in its entirety. Regarding the GOC decree implementing Justice and Peace, Gaviria predicted that the Council of State (Consejo de Estado) would strike down the use of prosecutorial discretion (principio de oportunidad), arguing that such discretion cannot be codified into law via decree.

¶3. (C) On the ELN peace process, Gaviria held out some hope for success. He viewed the ELN as generally more moderate than the FARC, and desperately concerned about its declining "military" position vis-a-vis both GOC public security forces and the FARC. He noted that during the last 15 years he had had regular contact with several ELN leaders, whom he viewed as more reasonable and disposed to dialogue than the FARC. Gaviria was present in Havana in mid-December and spoke with ELN military commander Antonio Garcia at length. Gaviria said Garcia seemed to lack a concrete agenda for the peace process with the GOC. He also noted a division within the ELN leadership

¶4. (C) Turning to the electoral season, Gaviria stated he felt relatively free to travel around the country, and had

only minimal fear for his personal safety. He conceded that Senator Antonio Wolff would win the PDA primary on March 12, but that the PDA had no chance of winning the Presidential contest. He described the PDA's Congressional candidates, however, as strong, and having a fighting chance of being the second largest single political group in the next Congress.

WOOD